

REMARKS/ARGUMENTS

The office action of June 27, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-17 remain in this application. Claims 18-20 have been added.

Claims 1, 6, and 17 stand rejected under 35 USC 112, second paragraph, as indefinite. The interpretation by the Office Action is correct that the statement “the following elements included in the following percentages by weight” optionally include the recited elements as only maximum values for each are provided. Withdrawal of this rejection is requested.

Claims 1-17 stand rejected on the ground of obviousness double patenting over claims 1-11 of copending U.S. Patent Application 10/596,057. This rejection is respectfully traversed. Contrary to the position in the Office Action, the copending application is not directed to a “formed assembly of aluminum alloy layers...” which implies a product claim. Instead, the copending application is directed to a *process* for assembly of aluminum alloy plates under specified process conditions. The instant claims are directed to a product, not a process. The claims are directed to two different statutory classes of invention. Withdrawal of this rejection is requested.

Claims 1-17 stand rejected under 35 USC 103(a) as unpatentable over Baba et al. (JP 58-040495) in view of the admitted prior art. Independent claims 1, 6, and 11 have been amended to require Yttrium. Baba does not teach or suggest Yttrium. Withdrawal of this rejection is requested.

CONCLUSION

If any further fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

/Susan A. Wolffe/

Date: September 4, 2008

Susan A. Wolffe
Reg. No. 33,568

Banner & Witcoff, Ltd.
1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001